

**Virginia Soil and Water Conservation Board
Thursday, September 15, 2005
Virginia Department of Forestry
Charlottesville, Virginia**

Virginia Soil and Water Conservation Board Members Present

David L. Moyer	Joseph H. Maroon
Granville Maitland	Jean Packard
Susan Taylor Hansen	Robert M. Hall
Michael Russell	Richard McNear
Ken Carter for M. Denise Doetzer	

Virginia Soil and Water Conservation Board Members Not Present

Linda S. Campbell	Benjamin H. Graham
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DCR Staff Present

William G. Browning	David C. Dowling
Michael R. Fletcher	Jack E. Frye
E. Lee Hill	Mark B. Meador
Jim Robinson	

Others Present

John S. Bailey, Lake of the Woods Association
Robin Knepper, Fredericksburg Freelance-Star
Tom Frederick, Rivanna Water and Sewer Authority
Wade J. McNeeley, Big Sandy Soil and Water Conservation District
Jim Byrne, Virginia Association of Soil and Water Conservation Districts

Call to Order

Mr. Moyer called the meeting to order and declared a quorum present. He welcomed guests and recognized Michael Russell, newly appointed to the Board.

Mr. Russell said that he appreciated the Governor's vote of confidence by appointing him to the Board.

Mr. Moyer thanked the Department of Forestry for the use of their Board room.

Minutes of July 21, 2005 Meeting

MOTION: Ms. Packard moved that the minutes of the July 21, 2005 meeting be approved as submitted.

SECOND: Mr. Hall

DISCUSSION: None

VOTE: Motion carried unanimously.

Director's Report

Mr. Maroon gave the Director's report.

He noted that the Department and the State have been involved with providing hurricane relief to the Gulf Coast region. The Department had offered the use of state parks cabins, but it was determined that the space was not currently needed. DCR has also offered law enforcement officers, the use of the 36-passenger people mover from False Cape, and dam safety professionals and is awaiting an official request.

Mr. Maroon said that he and Mr. Frye have held discussions with the poultry industry, the farm community and Cooperative Extension regarding the revisions of a state level program for the transporting of poultry litter. The Department has earmarked funding from the water quality improvement funds to address this issue. He noted that Maryland and Delaware have programs of this type.

Mr. Maroon presented a draft regulatory discussion document entitled "Provisions for Final Nutrient Management Training and Certification Regulations (9/7/05)," that outlines changes to the proposed regulation that the Department is considering for inclusion in the final regulations. A copy of this document is attached as Attachment #1.

Mr. Maroon noted that the Department had worked on the drafting of the proposed regulations with a technical advisory committee and had held four public hearings as part of the regulatory process. Staff recently met with a number of principle stakeholders from the farm community, agribusiness and Soil and Water Districts to go over the proposed changes that were currently being considered by the Department.

Mr. Maroon noted that the regulations do not change the scope of who and what is regulated, but that they outline the requirements for nutrient management plans.

Mr. Maroon said that state agencies have been asked to submit their budget and legislative packets in advance. He noted that the budget deadline was today, September 15, 2005.

He noted that one potential change affecting the Board would be moving the deadline for local compliance with stormwater management guidelines. He said that staff could not meet a July 1st deadline but will be beginning a regulatory action to develop these criteria very soon.

Mr. Maroon said that DCR was hoping to facilitate changes in the enforcement authorities of the dam safety program. He said that staff continued to work on the possibility of a loan program that might provide some assistance to dam owners.

Mr. Maroon noted that with the upcoming change of Administrations there would be a change in leadership in the areas of Natural Resources. To that end, DCR is coordinating a joint meeting with the Virginia Soil and Water Conservation Board, the Chesapeake Bay Local Assistance Board, and the State Water Control Board to talk about water quality improvement goals as they pertain to the Chesapeake Bay and the Southern Rivers region.

He reviewed four possible dates: November 21 or 22, December 7 or 14. Staff will poll members and work to get a convenient date.

Mr. Maroon noted that Board members had received a new Board Member book with information regarding the *Code of Virginia*, Conflict of Interest, and State Travel Regulations.

Dam Safety Certificates and Permits

Out of Compliance

Mr. Browning presented the list of Out of Compliance Dams. A complete list of the 9 Out of Compliance Dams is available from DCR.

No action was needed on the Out of Compliance Dams.

Operation and Maintenance Certificates

Mr. Browning presented the list of Operation and Maintenance Certificate Recommendations.

01504 South River #10A	AUGUSTA	Class I Conditional 9/30/07
01908 Springlake	BEDFORD	Class III Conditional 9/30/06
03109 Jones	CAMPBELL	Class III Regular 9/30/11
05907 Pohick Creek #8	FAIRFAX	Class I Conditional 9/30/07
05922 Pohick Creek #4	FAIRFAX	Class I Conditional 9/30/07
05928 Pohick Creek #3	FAIRFAX	Class I Conditional 9/30/07
06107 Lake Thompson	FAUQUIER	Class I Conditional 9/30/07
06122 Lake Brittle	FAUQUIER	Class II Conditional 9/30/07

07518	Westview	GOOCHLAND	Class III Regular 9/30/11
08302	Conner	HALIFAX	Class III Conditional 9/30/06
08714	Lake Overton	HENRICO	Class II Conditional 9/30/07
08908	Horsepasture #2	HENRY	Class II Conditional 9/30/07
08910	Lanier	HENRY	Class II Conditional 9/30/06
10733	Lawrence Small Pond	LOUDOUN	Class III Conditional 9/30/07
14319	Elkhorn	PITTSYLVANIA	Class III Conditional 9/30/06
17906	Hidden Lake	STAFFORD	Class II Conditional 9/30/07
70001	Lee Hall Reservoir	NEWPORT NEWS	Class II Conditional 9/30/07
70006	Lee Hall Upper Dam Outlet	NEWPORT NEWS	Class II Conditional 9/30/07
80003	Lake Burnt Mills	SUFFOLK	Class I Conditional 9/30/07
80011	Western Branch	SUFFOLK	Class I Conditional 9/30/07

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board approve the Operation and Maintenance Certificate Recommendations as presented by DCR staff and directs staff to communicate the Board actions to the affected dam owner.

SECOND: Mr. Hall

DISCUSSION: None

VOTE: Motion carried unanimously

Permit Recommendations

Mr. Browning presented the list of permit recommendations:

08547	Lake Idylwild	HANOVER	Class II Alteration	9/15/05-9/30/07
15303	Lake Montclair	PRINCE WILLIAM	Class II Alteration	9/15/05-9/30/06

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board approve the Permit Recommendations as presented by DCR staff and that that be directed to communicate the Board actions to the affected dam owner.

SECOND: Ms. Hansen

DISCUSSION: None

VOTE: Motion carried unanimously

Extensions

Mr. Browning presented the following list of extension recommendations.

00304	Lower Ragged Mtn.	ALBEMARLE	Class I Conditional	3/31/06
00351	Peacock Hill	ALBEMARLE	Class III Regular	3/31/06
00356	Upper Ragged Mtn.	ALBEMARLE	Class I Conditional	3/31/06
01105	Lawson	APPOMATTOX	Class IV	3/31/06
01922	Ivy Hill	BEDFORD	Class I Conditional	3/31/06
03507	Stewarts Creek	CARROLL	Class I Conditional	1/31/06
	Lovills Creek			
06136	Hideaway Hills	FAUQUIER	Class III Conditional	1/31/06
06515	Andersons	FLUVANNA	Class III Conditional	3/31/06
06523	Camp Friendship	FLUVANNA	Class III Regular	1/31/06
08911	Boxwood Hunt Club #1	HENRY	Class III Conditional	1/31/06
08916	Boxwood Hunt Club #2	HENRY	Class III Conditional	1/31/06
09906	Lake Monroe	KING GEORGE	Class I Conditional	3/31/06
14111	Davis (Williams)	PATRICK	Class III Conditional	1/31/06
14513	Recreation Pond	POWHATAN	Class III Regular	1/31/06
18501	Upper Clinch River #8	TAZEWELL	Class I Conditional	1/31/06
19314	Red Oak	WESTMORELAND	Class II Regular	11/30/05

Mr. Browning recognized Mr. Tom Frederick of the Rivanna Water and Sewer Authority. He said that the group was developing a long-term plan to address their water and other needs. Staff continues to work with the group.

Mr. Frederick said that the Authority has a commitment to address the issues and intends to fit them into their long-term plans.

Mr. Browning noted that Lake Monroe Dam, Inventory Number 09906 needed a separate motion for action.

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board issue an eight month (07/31/05 – 03/31/06) extension to the existing Regular Class I Operation and Maintenance Certificate for Lake Monroe Dam, Inventory Number 09906, to give the owner time to complete the application requirements for renewal of a six-year Regular Operation and Maintenance Certificate.

SECOND: Ms. Hansen

DISCUSSION: Mr. Maroon asked the reason for the 8-month extension.

Mr. Browning said that this was to correct the dates in the records.

VOTE: Motion carried unanimously

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board approve the remaining extension recommendations as presented by DCR staff and that staff be directed to communicate the Board actions to the affected dam owners.

SECOND: Mr. Maitland

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. Browning referenced the certificate for the Lake of the Woods Dam #13701 approved by the Board at the May 15, 2005 meeting. He noted that the President of the Lake of the Woods Association had asked for the removal of the following provision in 3 (b):

Provide notarized affidavits of upstream property owner impacted, stipulating they understand the alteration being made to the dam, they agree to LOWA implementing the alteration and they agree to accept any changed condition(s) to their property that is a direct result of the alterations being made to this dam. Furthermore, the affidavits must be legally recorded in the Orange County Clerk of the Court office, with the deed for each individual property.

Mr. Browning said that there was no need to rescind this section. The conditions outlined in 3(b) do not apply unless the Association intends to move forward with the alteration process. At this time they do not intend to do so.

Stormwater Management Program Update

Mr. Hill gave the update on the Stormwater Management program.

Staff has met with the EPA regarding program reviews in several Municipal Separate Storm Sewer Systems (MS4). DCR agreed to review with EPA the five large MS4s - those are Norfolk, Hampton, Henrico, Arlington, and Portsmouth – and one small MS4, Hanover.

DCR has reviewed the draft inspection reports prepared by EPA. After finalizing the reports with EPA, the reports will be sent to the localities.

Mr. Hill said that 11 individual MS4 permits and 99 smaller general permits are being reviewed and will be presented for Board action.

General Construction Permit Update

Mr. Hill said that from between January 29 and June 30, staff issued 704 Virginia Stormwater Management general permits for construction activities. From July 1 through September 15, staff has issued an additional 324 permits for total of 1028 in the seven month period since DCR has had the program.

Mr. Maroon said that Mr. Hill, Mr. Frye, and staff need to be commended for their work with the stormwater management program.

Mr. Maroon noted that the program is supported solely through permit fees. He said that with less approvals than anticipated, the Department is working with a \$300,000 shortfall.

Mr. Moyer asked if the Board had established the fees.

Mr. Maroon said that the fees currently in place came with the program when it was transferred from the Department of Environmental Quality. These fees are insufficient to cover program administration. He said that there is the ability to change the process through a regulatory action that will be initiated soon.

MOTION: Ms. Hansen moved that the Virginia Soil and Water Conservation Board recognize the budget shortfall caused by the permitting process and that the Board recommend that this shortfall be addressed either through the budget process or by the revision of the permitting fee structure.

SECOND: Ms. Packard

DISCUSSION: None

VOTE: Motion carried with Mr. Maroon abstaining.

Stormwater Management Subcommittee meeting update.

Ms. Hansen said that the Stormwater Management subcommittee had reviewed the proposed legislative changes. She said that the subcommittee had also heard from staff on the proposed program enforcement guidelines.

Mr. Hill said that the committee had been updated on the status of MS4 permits. He noted that the committee is reviewing the draft compliance enforcement guidelines.

The Board concurred with this process.

Mr. Dowling said that the hope was to have the manual available for review at the next Board meeting. He noted that it would first have to be reviewed by the Office of the Attorney General.

Erosion and Sediment Control Program Update

Mr. Hill presented two programs for recognition of consistency.

MOTION: Ms. Packard moved that the Virginia Soil and Water Conservation Board commend Roanoke County and the City of Suffolk for successfully improving their respective Erosion and Sediment Control Programs to become fully consistent with the requirements of the Virginia Erosion and Sediment Control Law and Regulations, thereby providing better protection for Virginia's soil and water resources.

SECOND: Mr. Maitland

DISCUSSION: Mr. Russell asked if the media was made aware of commendations.

Staff agreed to discuss this matter with the Public Communications Office.

VOTE: Motion carried unanimously

District Study Update

Mr. Meador gave an update on the District Study. The final report is due December 31, 2005.

Mr. Meador presented the following draft outline:

OUTLINE OF FINAL REPORT:

REVIEW AND ANALYSIS OF AGRICULTURAL WATER QUALITY IMPROVEMENTS PROGRAMS DELIVERED BY VIRGINIA'S SOIL AND WATER CONSERVATION DISTRICTS

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PREFACE

EXECUTIVE SUMMARY

STUDY DIRECTIVE 382 #1c

Virginia General Assembly 2004 Appropriation Act [tasks the Virginia Soil and Water Conservation Board]

- I. DCR analysis and actions taken to date
 - a. Examination of Ag BMP Cost-Share Program data
 - Identification of most widely implemented BMPs;
 - Cost-effectiveness using available data
 - Farmer participation
 - b. Consideration of Chesapeake Bay Tributary Strategy Input Decks with agricultural CMP components.
- II. Actions taken to date:
 - a. Development of county-by-county Tributary Strategy Input Decks within the Chesapeake Bay basin
 - b. Development of an annual SWCD report, collecting farmer information pertaining to program participation. First report by December 1, 2005.

STUDY DIRECTIVE 382 #4c

Virginia General Assembly 2004 Appropriations Act [tasks the Department of Conservation and Recreation]

- I. Analysis and consideration of:
 - a. Existing system of agricultural BMP programs delivered by SWCDs and their current capabilities.
 - b. Findings contained within the nutrient management study performed to address House Joint Resolution 72, (2004 Virginia General Assembly)
 - c. Recommendations contained within the Chesapeake Bay Commission's 2004 Cost-Effective Strategies for the Bay

- II. Implementation of Targeted, Priority BMPs within the Ag BMP Cost-Share Program:
 - a. Priorities (BMPs and funding) within the Chesapeake Bay basin
 - b. Priorities and targeting in the Southern Rivers

FUTURE DIRECTIONS AND IDENTIFIED NEEDS (BOTH DIRECTIVES)

- I. Placement of the SWCD annual report (collecting farmer participation in district programs) into the list of performance “deliverables” contained within DCR/SWCD Grant Agreements for Operational Funding
- II. Longer term plans for the Agricultural BMP Cost-Share Program
 - a. Chesapeake Bay “ramping up” – program funding and support staff needs
 - b. Southern Rivers focus of addressing impaired waters (TMDLs) and tracking water quality results
 - c. Further refinement of targeting cost-share funds to cost-effective, widespread use BMPs
 - d. Potential performance based funding analysis for districts

CLOSING SUMMARY

APPENDICES

District Director Resignations and Appointments

Mr. Meador presented the following resignation and appointment recommendation:

Monacan

Resignation of Johns W. Bailey, Powhatan County, effective 9/30/05, elected director position (term of office expires 1/1/08).

Recommendation of Tom Walton, Powhatan County, to fill un-expired elected terms of Johns W. Bailey (term of office to begin on or before 10/15/05 – 1/1/08).

MOTION: Ms. Hansen moved that the Virginia Soil and Water Conservation Board approve the resignation and appointment as presented by staff.

SECOND: Ms. Packard

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. Meador presented a request from the Tidewater Soil and Water Conservation District for the removal of a District Director from office.

He provided the *Code of Virginia* section that gives the Board authority to remove a Director from office.

§ 10.1-536 Removal from office.

Any district director may be removed by the Board for neglect of duty or malfeasance in office, or may be removed in accordance with the provisions of general law. Upon receipt of a sworn complaint against a director filed by a majority of the directors of that same district, the Board shall (i) notify the district director that a complaint has been filed against him and (ii) hold a hearing to determine whether the district director's conduct constitutes neglect of duty or malfeasance in office.

MOTION: Ms. Hansen moved that the Virginia Soil and Water Conservation Board hold a hearing at the Board's next meeting pending legal review by the Attorney General's Office of the sworn complaint and supporting documentation provided by the Tidewater SWCD, and notification of the district director identified by that district for removal from office.

SECOND: Mr. Maitland

DISCUSSION: None

VOTE: Motion carried unanimously.

Partner Agency Reports

Department of Conservation and Recreation

Mr. Frye gave the report for the Department of Conservation and Recreation. A copy of that report is attached as Attachment #2.

Mr. Frye presented a draft of the "Implementation Plan for the Virginia Soil and Water Conservation Board Motion of March 17, 2005 for Improving Soil and Water Quality" (in support of HB2290 from the 2005 session). A copy of that document is available from DCR.

Mr. Maroon suggested that staff prepare a letter of transmittal to Delegate Lingamfelter to inform him that the Board has been informed of the progress on this issue.

Mr. Moyer concurred and suggested that he and Mr. Maroon sign the letter.

Natural Resources Conservation Service

Mr. Carter presented the report for the Natural Resources Conservation Service. A copy of that report is attached as Attachment #3.

Other Business

Jim Byrne of the Virginia Association of Soil and Water Conservation Districts presented a draft report of the meeting of the VASWCD Essential Funding Committee meeting held on July 19, 2005. A copy of that draft report is available from DCR.

MOTION: Mr. Hall moved that the Virginia Soil and Water Conservation Board ask staff to draft a letter of appreciation to Mr. W.P. Johnson in appreciation for his years of service on the Board and that Mr. Moyer and Mr. Maroon sign that letter on behalf of the Board.

SECOND: Mr. Maitland

DISCUSSION: None

VOTE: Motion carried unanimously

Public Comment

There was no public comment.

Adjourn

There was no other business and the meeting was adjourned.

Respectfully submitted,

David L. Moyer
Chairman

Joseph H. Maroon
Executive Secretary

Attachment #1

DRAFT Provisions for Final Nutrient Management Training and Certification Regulations (9/7/05)

The Department of Conservation and Recreation began the process of proposing amendments to the Nutrient Management Training and Certification Regulations in May 2004. Following the notice of intended regulatory action, a technical advisory committee was established with broad representation of affected interests. The committee, which met four times during June through September 2004, was facilitated by staff from the UVA Institute for Environmental Negotiation. Proposed regulations were published in May 2005 and four public meetings were held in June 2005 across Virginia to gather input on the proposed regulations.

Following the close of the comment period on July 1, 2005, DCR has reviewed the public comments and recommendations made by a wide variety of stakeholders on the proposed regulations and considered numerous modifications to the proposed regulations.

As outlined below, DCR has sought to develop draft final regulations that improve nutrient management planning criteria for all sources of inorganic and organic nutrient sources, while at the same time recognizing key differences and challenges facing various sectors of the affected parties. The key concepts expected to be included in final regulations will:

- Provide revised criteria for nutrient management planning for all sources of inorganic and organic nutrients;
- Provide criteria and options for phosphorus based nutrient management planning that will better protect water quality;
- Provide several methods/options for addressing phosphorus applications;
- Provide revised criteria for the timing of nutrient applications that account for differences in environmental risks from various nutrient sources;
- Provide greater protection for environmentally sensitive sites from application of nutrient sources;
- Provide revised criteria based on the best current science available from Virginia Tech and other research sources; and
- Recognize the challenges certain sectors face in complying with these regulations by phasing in components of the regulations.

SUMMARY OF KEY PROVISIONS

Modified Phosphorus Cutoff Criteria

1. The 50% phosphorus soil saturation cutoff scheduled for 12/31/2010 was dropped from consideration

2. The 65% saturation cutoff is retained, but is simplified and revised based on the latest Virginia Tech data provided to DCR. At the following Mehlich 1 soil P levels regardless of tillage type, these are:
 - Ridge and Valley – 525 ppm
 - Piedmont and Upper Coastal Plain – 375 ppm
 - Lower Coastal Plain and Eastern Shore – 458 ppm
3. P-Index and 65% saturation cutoffs take effect for Nutrient Management Plans developed on or after 1/1/06 for all sources unless listed in #4 below.
4. Delayed phase-in of zero P application cutoffs in P-Index and 65% saturation levels for certain existing operations using on-farm generated liquid swine manure or liquid dairy manure until 12/31/2010. Comments were provided that these operations have fewer options for transfer or alternative uses and need time to develop additional land application areas, adopt feeding practices to reduce phosphorus in manure, or develop alternative uses. DCR remains committed to working with the affected industries to help address these issues. The Department has previously provided cost-share grant funding of nearly \$117,000 to install Phytase injection equipment to allow for reduced phosphorus in swine feed in Murphy-Brown (previously Carroll's Foods) feedmills in Virginia. DCR has recently committed to fund a dairy feed management incentive program that will provide incentives to dairy farmers to reduce phosphorus in feed rations to levels just above university recommended feeding levels.
5. Nutrient management plans for new or expanding (greater than 10% increase) swine or dairy operations with liquid waste will be subject to P-Index and 65% saturation cutoffs after the effective date of the final regulations.

Other Phosphorus Criteria

1. Incorporated revised P-Index version provided by Virginia tech.
2. Revised lab correlations between labs using Mehlich 3 based on recent Virginia Tech data and comments.
3. Retained 35% crop removal/threshold method as an optional, more simplified approach for plan writers and farmers/landowners to consider.

Nitrogen Timing

1. On environmentally sensitive sites: Retained 30-day application limit ahead of spring planting date. Allow for up to 60 days if cover crops are established. (See # 4 below)
2. For non-environmentally sensitive sites: Eliminated the need for cover crops if applied within the 60 day limit prior to spring crop planting for liquid dairy, liquid beef, all swine, all poultry, liquid biosolids, anaerobic biosolids, heat treated

- biosolids, and semi-solid dairy manure with sand bedding. Allow for up to 90 days if cover crops are planted (See #4 below).
3. For non-environmentally sensitive sites receiving lime stabilized biosolids, semi-solid dairy manure (straw or sawdust bedding), and semi-solid beef manure: Increase limit to 90 days prior to spring planting. Allow for up to 120 days if cover crops are planted (See #4 below).
 4. Allow applications of manure or biosolids for up to 30 additional days prior to the times listed in 1. through 3. above, provided that early planted cereal crops are established the previous fall and have reached a growth stage of 3 or more tillers per plant prior to application if amount of material applied will not smother the trap crop and at least 30 pounds of the nitrogen rate for the spring planted crop is reserved for application at the time of spring planting.
 5. Changed proposed regulations in consultation with Virginia Tech Forest Resources faculty to allow for year round application of nitrogen containing materials for evergreen trees. For deciduous trees, no fall or early winter applications of nitrogen.
 6. Reduced the minimum C/N ratio from 25:1 to 20:1 for composted organic nutrient sources to be applied without timing restrictions is and eliminated the need for tillage if surface applied (based on recommendations from Virginia Tech).
 7. Agreed with recommendations by the biosolid industry that, since biosolids face the immediate challenge of having fewer storage options, a phase-in period until 12/31/08 has been included in the draft final regulations for sewage sludge to comply with the timing requirements on non-environmentally sensitive sites. This will allow the industry time to develop alternatives such as trap crops, application to evergreen forested land, storage, and landfilling. The draft final regulations, however, require nutrient management plans to provide compliance with the relevant nitrogen timing requirements for applications to environmentally sensitive sites.

Turf

1. In consultation with Virginia Tech and the Virginia Turfgrass Council, nitrogen application criteria have been amended to allow for somewhat higher rates on some golf fairways and roughs and certain athletic fields if individual N applications of no more than 0.5 pounds per 1,000 square feet (approx 20 pounds per acre) of water soluble N is used or slowly available N fertilizers are used. Turf establishment and re-establishment nutrient criteria have also been added.

Attachment #2

Department of Conservation and Recreation

Report to the Virginia Soil & Water Conservation Board on September 15, 2005

1. DCR/SWCD Operational Funding:

All 47 SWCDs have endorsed grant agreements with DCR for Operational funding this fiscal year and all have received the first quarter disbursement. Future disbursements will continue on a quarterly basis.

This fiscal year (FY06), operational funding for all districts totals \$4,052,240. The total amount is the same as FY05 operational funding, however, FY06 funding is still roughly 6% less than the peak funding level experienced by districts in FY01 (\$4,301,000).

2. SWCD Audit Services:

The accounting firm of Robinson, Farmer, Cox Associates (RFCA) is beginning a new round of SWCD audits this summer for an audit period that ends this past June 30, 2005. Twenty-four (24) SWCDs are scheduled for audits. DCR will continue to schedule audits so that a two-year audit cycle for all SWCDs is maintained.

3. SWCD Bonding Coverage:

A new 2-year contract is in place that raises the deductible from \$5,000 to \$10,000 per claim, with an annual premium (paid by DCR) of nearly \$20,000 (twice previous rate). Further, SWCDs must implement tighter controls for every district payment to any vendor. Also, for those SWCDs that use credit cards for business purposes, a policy governing card use must be in place. Information pertaining to these new arrangements was issued to all SWCDs through correspondence from Jack Frye sent August 29, 2005.

4. Employee Development

The conservation partners continue to work through the "JED" –Joint Employee Development system which relies on 4 regional teams (coordinated through a separate state level JED team) to address training and development of SWCD and other partner agency field staff.

Plans continue with delivery of several "core" training courses. DCR is again coordinating delivery of a two day Conservation Selling Skills course through the professional training service of Positive Growth International. President Chuck Hitzemann will deliver the course on November 1st and 2nd at the Holiday Inn-Monticello (Charlottesville). DCR's Staunton Field Office is accepting course registration. SWCD staff and directors are encouraged to attend, as well as staff of NRCS, DOF and other conservation partners. A total of 30 participants will be accepted. This will be the 5th year this course has been offered. Ratings of the course by past attendees generally give the course outstanding marks.

5. SWCD Dams:

DCR staff initiated creation of a SWCD dam owner work group that first met on April 21, 2005. The group agreed to meet every 2 months until topics of greatest urgency are addressed. The group's next meeting will be held on November 2nd in Charlottesville at the DOF state office.

The 12 SWCDs that own 103 flood control structures are receiving a sizeable increase in O&M (operation and maintenance) funding appropriated by the General Assembly. For many years a

total of \$50,000 was shared and apportioned equally among the 103 dams. Effective July 1st, 2005 the annual O&M funding has increased from ~\$500 to \$2,000 per dam. Funds have been issued to each district.

6. Agricultural BMP Cost-Share Program:

Grant agreements for Cost-Share program funding have been issued to every SWCD. Each agreement specifies funding commitments and priorities for this program year and the year to follow. Funds committed through the agreements total \$10 million in FY06 and \$10 million in FY07.

DCR has targeted dollars in the Chesapeake Bay and the Southern Rivers to cost-effective practices and specific water quality concerns. Development of a “contracting for conservation” approach is underway to support implementation of the most cost-effective practices while helping to reduce the administrative burdens in the program. Our goal is to add this new approach beginning with the July 2006 program year.

7. Conservation Reserve Enhancement Program (CREP):

The web pages for reserving CREP landowner incentive bonus payments for CREP riparian forest buffers 100’ or wider (Chesapeake Bay basin only), and wetlands restoration (statewide) were launched in late March and early April. Several requests for reservation of incentive funds have been processed. The system seems to operate well and DCR will continue to monitor its performance. Progress continues in the southern rivers towards fulfillment of the additional 5,000 acres of CREP enrollment.

8. Stormwater Management:

EPA and DCR staff members have completed MS4 program evaluations for the cities of Norfolk and Hampton and the counties of Arlington, Hanover and Henrico. The City of Portsmouth is scheduled for November 8. DCR staff has issued coverage under the General Permit for Stormwater Discharges from Construction Activities for 1028 projects during the period of January 29 through September 13, 2005.

9. Nutrient Management Regulatory Actions:

Public comment on the draft nutrient management training and certification regulations closed July 1. The agency is still working to finalize the changes that will be made to the draft regulations based on this input.

10. Chesapeake Bay Tributary Strategies

DCR staff continue to speak with SWCDs about Tributary Strategies, and also are meeting with local governments, Roundtables, and other interest groups to expand awareness of and encourage implementation of the best management practices outlined in each basin document. Promotion of Tributary Strategies at this stage means making sure all of the key land user groups and decision makers are exposed to the document and its contents; both public and private sector. There is the basin, the county and personal land-owner perspective - - what I can do on my land. In each regard, the Strategy calls for significant NPS reductions. DCR staff is communicating ways projects and funding can be used to implement different components of the Strategies.

11. WOIF- Cooperative Nonpoint Source Programs

DCR staff are meeting with local governments (counties, cities and towns) to help develop and promote opportunities for “Cooperative NPS Programs” that will result in proposals in late fall.

The \$3 million cooperative NPS grant program will support mostly urban projects and programs that reduce nonpoint source pollution. The programs are expected to cause sustained, comprehensive approaches to water quality problems, and involve changes in land use and/or land management. They will be funded under the Water Quality Improvement Fund. Simultaneously DCR will issue another funding opportunity, \$1.8 million for Water Quality Initiatives to support individual, site-specific restoration projects and innovative practices.

12. Erosion and Sediment Control Program Review

Numerous reviews of local erosion and sediment control programs are underway for the FY 2005/2006 Program year. Field staff review all aspects of local programs and note adherence or discrepancy from state standards. At the early stages, it appears that the reviews will identify the need for some significant changes in several local programs.

Attachment #3

NRCS Report
Virginia Soil and Water Conservation Board Meeting
September 15, 2005
Department of Forestry
Charlottesville, VA

Farm Bill Program Activities

- **Wetlands Reserve Program 2005** – A total of 10 applications were received and four (4) applications were approved for total of \$412, 825. The funded applications were located in Fluvanna and Orange Counties. One 95-acre WRP easement approved in a prior year was recorded and work has been started in restoring the wetland conditions on this site in Halifax County.
- **Conservation Innovation Grants** – A national press conference with Chief Bruce Knight and Congressman Bob Goodlatte was held at the Gerald Heatwole Farm in Rockingham County to announce 54 CIG grants in 40 states for 2006, totaling more than \$19 million. This includes more than \$4.5 million for projects in the Chesapeake Bay Watershed. One of the grants is to Virginia Tech for a Livestock Nutrition and Feeding Management Project to reduce nutrient losses on dairy farms in the Shenandoah Valley. The project will involve 300 farms in Augusta, Rockingham, Rockbridge, Shenandoah, Page, Frederick, and Clarke Counties. NRCS is providing \$882, 910 in EQIP funds for the project.
- **Conservation Security Program** – Two Virginia watersheds are among 110 watersheds nationwide selected to participate in the 2006 Conservation Security Program. The North Fork Shenandoah watershed includes parts of Rockingham, Shenandoah, Warren and Frederick Counties. The Great Wicomico-Piankatank includes parts of Northumberland, Lancaster, Gloucester, Mathews, Middlesex, King and Queen, and Essex Counties. The watersheds contain approximately 2,400 farms covering more than 346,000 acres. A sign-up period will take place later this year. Announcements detailing deadlines and program requirements will be published on the NRCS website. Landowners meetings in the watershed are also planned for later in the fall. In 2005, 207 farmers in the South Fork Shenandoah, Lower Rappahannock and Mattaponi watersheds signed up for CSP with contracts totaling \$1.3 million.
- **Environmental Quality Incentives Program** – NRCS allocated over 11 million dollars during FY2005 to conservation practices. We received additional year-end money of \$721,000.

Dam Rehabilitation

The interagency and public review comment period for the first draft of the South River Dam Rehabilitation Plan for three Headwaters SWCD dams closed on September 1, 2005. This plan includes the installation of articulated concrete blocks to armor the spillways and a parapet wall to raise the height of the dams by 4-5 each. The total estimated cost is about \$4.1 million for all three dams. The federal share is 65% and the local share is 35%. NRCS Planning Staff will complete the final draft by the end of September 2005. The plan will be submitted to the NRCS Chief for authorization in October 2005.

Construction is almost complete on the \$2.5 million construction on the Marrowbone Creek Dam Rehabilitation project. This rehabilitation project includes the installation of a roller compacted concrete spillway through the dam and raising the dam 8.5 feet. Construction should be complete by September 30, 2005.

NRCS has initiated planning for the rehabilitation of Pohick Creek Dam No. 4, Lake Royal, in Fairfax County. The project sponsors are the Northern Virginia SWCD and Fairfax County. The first public meeting is scheduled for September 29, 2005. The draft plan for the rehabilitation of this dam should be completed by May 2006.

Watershed Operations

The first phase of flood control work for the City of Buena Vista is out for bid and a contract will be awarded later this fiscal year. NRCS has completed the design of two debris basins for the Chalk Mine Run and Washer Hollow subwatersheds in the City of Buena Vista. The debris basins are designed to catch cobble and reduce the volume of material migrating through the system during flood events. The total estimated cost is \$450,000 for this portion of the project. The federal share is 100% for the construction which should begin in early November. The Buena Vista Watershed project will continue in FY-06 with the design and installation of needed channel improvements on Chalk Mine Run and the design of 5 more debris basins for other sub-watersheds.

BSA Jamboree

NRCS, along with over 30 federal, state and local agencies, and a number of private organizations participated in the Conservation Area at the Boy Scouts of America National Jamboree held from July 25 to August 3, 2005 at Fort A.P. Hill in Caroline County. Approximately 26,000 Scouts, leaders and visitors toured the Conservation Area. NRCS used "hands on" demonstrations to educate the attendees on soils and basic erosion control. Staff also assisted the Virginia Association of Soil and Water Conservation Districts with the Soil and Water Conservation merit badge exhibit.

White House Conference on Cooperative Conservation

This three-day event was held on August 29-31 in St. Louis, Missouri and brought together government agencies, non-profit organizations, civic groups and individual citizens to share success stories and learn from each other how cooperative efforts and sharing can accomplish conservation work. Several representatives from Virginia attended, including Ward Burton, former NASCAR driver and Halifax County resident.

New Computer Security Regulations

New computer security regulations are in effect for all new district employees hired as of July 1, 2005 (this new regulation also includes new NRCS employees and volunteers who use the computer).

Following are the requirements of this new regulation. Employees must complete the following forms and mandatory training:

- SF-85 Background Questionnaire
- Fingerprint Charts (2)
- IT User Agreement
- IRM Form NRCS-IRM-3-ISS (Supervisor must complete Part I)
- Complete the on-line Security Awareness Training within 60 days of employment:
<http://www.info.usda.gov/egovtraining/securitytraining.html>

Note: District Conservationists (DC) are the local contacts for Service Center employees. It is extremely important to advise the DC when a district employee enters on duty or leaves.